

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

ADMINISTRATOR CHELSEA O'BRIEN,	:	
	:	CASE NO. 2:22-cv-2805
Plaintiff,	:	
	:	Judge James L. Graham
v.	:	Magistrate Judge Chelsey M. Vascura
	:	
CECIL A. MORRISON IV,	:	
	:	
Defendants.	:	

AMENDED JOINT DISCOVERY PLAN
(RULE 26(f) REPORT)

Pursuant to Federal Rule of Civil Procedure 26(f), a meeting was held on 7/29/2024 and was attended by:

Sky Pettey, counsel for plaintiff(s) Administrator Chelsea O'Brien,

Charles B. Galvin, counsel for defendant(s) Cecil A. Morrison, IV,

Counsel represent that, during the meeting, they engaged in a meaningful attempt to meet and confer on the matters outlined below.

1. **CONSENT TO MAGISTRATE JUDGE**

Do the parties consent to Magistrate Judge jurisdiction pursuant to 28 U.S.C. § 636(c)?

 Yes ☒ No

2. **INITIAL DISCLOSURES**

Have the parties agreed to make initial disclosures?

☒ Yes No The proceeding is exempt under Rule 26(a)(1)(B)

If yes, such initial disclosures shall be made by December 11th, 2023.

3. VENUE AND JURISDICTION

Are there any contested issues related to venue or jurisdiction?

X Yes ___ No

If yes, describe the issue:

Defendant reserves the right to assert qualified, statutory, and common law immunity defenses, both as pled and as may be raised in the future.

If yes, the parties agree that any motion related to venue or jurisdiction shall be filed by February 16th, 2024.

4. PARTIES AND PLEADINGS

- a. The parties agree that any motion or stipulation to amend the pleadings or to join additional parties shall be filed by February 9th, 2024.
- b. If the case is a class action, the parties agree that the motion for class certification shall be filed by _____.

5. MOTIONS

- a. Are there any pending motion(s)?

___ Yes X No

If yes, indicate which party filed the motion(s), and identify the motion(s) by name and docket number:

- b. Are the parties requesting expedited briefing on the pending motion(s)?

___ Yes X No

If yes, identify the proposed expedited schedule:

Opposition to be filed by _____; Reply brief to be filed by _____.

6. ISSUES

Jointly provide a brief description of case, including causes of action set forth in the complaint, and indicate whether there is a jury demand:

This case involves claims for wrongful death and survival under 42 U.S.C. Section 1983 and Ohio state law.

7. DISCOVERY PROCEDURES

a. The parties agree that all discovery shall be completed by December 20th, 2024. The to schedule their discovery in such a way as to require all responses to discovery to be served prior to the cut-off date, and to file any motions relating to discovery within the discovery period unless it is impossible or impractical to do so. If the parties are unable to reach an agreement on any matter related to discovery, they are directed to arrange a conference with the Court. To initiate a telephone conference, counsel are directed to join together on one line and then call the Magistrate Judge's chambers or provide the Court with a call -in number.

b. Do the parties anticipate the production of ESI? X Yes No

If yes, describe the protocol for such production: Counsel shall confer and find mutually agreeable methods for providing ESI to each other.

c. Do the parties intend to seek a protective order or clawback agreement? No.

If yes, such order or agreement shall be produced to the Court by .

8. DISPOSITIVE MOTIONS

a. Any dispositive motions shall be filed by February 28th, 2025.

b. Are the parties requesting expedited briefing on dispositive motions?

 Yes X No

If yes, identify the proposed expedited schedule:

Opposition to be filed by ; Reply brief to be filed by .

9. EXPERT TESTIMONY

a. Primary expert reports must be produced by April 17th, 2024.

b. Rebuttal expert reports must be produced by May 21st, 2024.

10. SETTLEMENT

Plaintiff(s) will a make a settlement demand by December 18th, 2023. Defendant will respond by January 9th, 2024. The parties agree to make a good faith effort to settle this case. The parties understand that this case will be referred to an attorney mediator, or to the Magistrate Judge, for a settlement conference. The Court refers cases to settlement throughout the year. The parties request the following month and year:

August 2024

In order for the conference to be meaningful, the parties agree to complete all discovery that may affect their ability to evaluate this case prior to the settlement conference. The parties understand that they will be expected to comply fully with the settlement conference orders which require, *inter alia*, that settlement demands and offers be exchanged prior to the conference and that principals of the parties attend the conference.

11. RULE 16 PRETRIAL CONFERENCE

Do the parties request a scheduling conference?

 Yes, the parties would like a conference with the Court prior to it issuing a scheduling order. The parties request that the conference take place in chambers by telephone

X No, a conference is not necessary; the Court may issue a scheduling order after considering this Report.

12. OTHER MATTERS

Indicate any other matters for the Court's consideration:

Respectfully Submitted,

/s/ Sky Pettey (email authorization)

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